Supreme Court, U. S.
FILED
AUG 5 1977
MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

No. 77-2021

OCTOBER TERM, 1976

IN THE MATTER OF

JOSEPH M. KADANS

ON APPEAL FROM THE SUPREME COURT
OF THE STATE OF NEVADA

APPENDIX

Joseph M. Kadans
3419 Thom Blvd.
Las Vegas, Nev. 89106
Appellant in pro se

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OF THE
STATE OF NEVADA

IN THE MATTER OF)
JOSEPH M. KADANS) No. 8738

FILED APRIL 8, 1977

Original petition for waiver of S.C.R. 51(4) and motion for order to show cause.

Petition denied; motion denied.

Joseph M. Kadans, in pro per,
Las Vegas,
for Petitioner.

Samuel S. Lionel, Las Vegas,
for Nevada Board of Bar
Examiners.

O P I N I O N

PER CURIAM:

Petitioner Kadans seeks a waiver of S. C. R. 51(4) contending that, while he does not have a law degree from an A. B. A. accredited school, he should nevertheless be permitted to sit for the Nevada Bar Examination because he is admitted to practice law in other jurisdictions, is a nationally recognized author and lecturer on law, and has an otherwise exceptionally meritorious legal background.[1] We disagee. Because petitioner has unsuccessfully challenged our bar application requirements on three separate occasions in the United States Supreme Court, we here endeavor to set forth all relevant facts concerning this matter in order that it may be finally settled.

On April 7, 1976, Mr. Kadans petitioned for a waiver of S. C. R. 51(4). On April 19, 1976, we directed the State Board of Bar Examiners to undertake a full inquiry and report concerning petitioner's personal and academic background. The Board's report reflects that it conducted hearings, and that petitioner represented himself, presented witnesses, and offered exhibits for the Board's consideration. While the Board's report indicates petitioner may be academically prepared for the practice of law,

at least marginally, it suggests that petitioner may not be morally suited to the practice of law, alluding to circumstances surrounding petitioner's operation of the "Church of Universology, Inc." and "Bernadean University," and to his published claims with respect to his academic credentials. The Board contends that S. C. R. 51(4) does not operate unfairly as to petitioner, and recommends that he not be permitted to sit for the Nevada Bar Examination.

1. Petitioner's operation of Bernadean University does, indeed, manifest a moral orientation that would be unacceptable in a legal practitioner.

The catalog for Bernadean University describes the school as a four-year senior university consisting of seven different colleges. It further describes the examinations, textbooks, classes, and advanced degree work available. Other brochures disseminated by petitioner describe the University as one including colleges of Health Sciences, Liberal Arts, Fine Arts, Law, Theology, Agriculture, and Police Sciences, and offering such diverse courses as church management, firearms, polygraph procedures, herbology, reflexology (foot massage techniques), dance therapy, acupuncture, traffic control, preparation of sermons, evidence, organic food growing, and police administration.

The University is, in fact, located in a small Las Vegas office; there are no classrooms or separate colleges. The "classes" are all offered through correspondence courses mailed to the students. Exams are open book

and submitted at the students' leisure. The extensive curriculum is "taught" and administered by petitioner and four "faculty members"; petitioner serves as Dean of Students, President of the University, and handles all affairs of the school; the four "faculty members" merely assist in grading student papers. The highest degree held by any of the "faculty members" is a high school diploma. It is clear to us that the University and petitioner are one and the same, and that the faculty, in fact, performs only administrative tasks. In addition, most texts used in the many diverse courses are prepared by petitioner by compiling materials from available sources and publishing them on copy machines. Petitioner claims he is qualified to author the texts because, as a lawyer, he has the necessary skills to master nearly any subject matter by obtaining sufficient available material and studying it.

On May 9, 1975, petitioner applied for a license to operate a private school, college, or university. The Nevada Commission on Postsecondary Institutional Authorization denied his application because, they concluded, the quality of instruction, school facilities, personnel, and financial stability were inadequate and, further, advertising by the University misrepresented the size of the institution, faculty, and instructional program.

In light of the foregoing, we agree with the Board's conclusion that petitioner's operation of the dubious Bernadean University and his misrepresentations concerning the nature of the University cast serious doubt upon petitioner's moral suitability to practice law in this state.

2. Petitioner's misleading claims regarding his academic credentials also manifest his moral unsuitability to practice law in this state. He professes to have earned degrees as Doctor of Philosophy, Doctor of Naturopathy, and Doctor of Theology while attending three separate universities. His Doctor of Philosophy degree was awarded by the International University in New Dehli, (sic) India, for writing a course on herbal studies. Petitioner utilizes this alleged degree to promote the sale of his book concerning the therapeutic properties of herbs, fruits, vegetables, nuts, and seeds. 2 Petitioner obtained his Doctor of Naturopathy degree from an affiliate of Bernadean University for submitting a written course on herbs. Again, petitioner uses this degree to promote the sale of his book concerning the use of herbs. 3 Petitioner's Doctor of Theology degree was awarded by Berean Christian College in Kansas, evidently in exchange for a degree from his own Bernadean University to the President of Berean Christian College. The record is barren of any proof which indicates Mr. Kadans ever attended or took any courses from any of these schools, yet he represents that he earned doctoral degrees from each of them.

Petitioner also claims to have served on the faculty of four universities, including the law faculty of Loyola University of Los Angeles. While it is true that he taught one summer course at Loyola, it should be noted that the Dean of the Law School stated that petitioner had been hired as a "lecturer" at a time when the University was in a turmoil and the customary background investigation had not been conducted with respect to petitioner's qualifications. The Dean further stated that forty out of

the fifty students enrolled in Mr. Kadans' course had expressed serious dissatisfaction with Mr. Kadans' teaching techniques and twenty students withdrew and the school had to refund their tuition. The Dean observed the course and concluded Mr. Kadans was not academically qualified to teach the course and stated he would strongly resist Mr. Kadans' appointment to any faculty of which he was a member. Petitioner has totally failed to offer any evidence either to the Board or this court substantiating his claim that he served on the faculty of other universities.

Petitioner further claims to have written and published numerous law books. However, none of those books has ever been published by a commercial law book company, but instead, are xerox copies "published by the Bernadean University Press in Las Vegas. We have reviewed petitioner's published law books and find them to be without value as legal material. They appear, instead, to be an incomplete compilation of materials from texts written by other authors.

In addition to the foregoing, we also express concern over petitioner's use of stationery suggesting that he is licensed to practice law in Nevada, when in fact he is not; stationery indicating that he maintained an office in Washington, D.C., when in fact he did not; and business cards stating that he was a Professor of Law at Loyola University, when in fact he was only a lecturer.

In 1943, petitioner received a law degree from the Eastern College of Commerce and Law (an unaccredited law school); 4 he has been admitted to practice and has apparently practiced

without distinction elsewhere; and he has convinced certain members of our Bar that he possesses basic legal research and briefing skills. At best, those facts establish only marginal academic credentials for the practice of law, while petitioner's business ethics are not remotely acceptable. The Board's conclusion that S.C.R. 51(4) does not operate unfairly as to petitioner is fully supported by the evidence, and we therefore deny his petition for waiver of that rule. We also deny petitioner's Motion for Order to Show Cause why he should not be admitted to the Nevada Bar without sitting for our Bar Examination.

(Batjer) signed , C.J.
Batjer

(Zenoff) signed , J.
Zenoff

(Mowbray) signed , J.
Mowbray

(Thompson) signed , J.
Thompson

(Gunderson) signed , J.
Gunderson

FOOTNOTES

1. Supreme Court Rule 51(4) provides in pertinent part: "An applicant for examination for a license to practice as an attorney and counselor at law in this state shall: " . . .

"4. Have received a degree of bachelor of laws, or an equivalent law degree, from a law school approved by the committee on legal education and admissions to the bar of the American Bar Association, and shall present evidence of the same . . . "

2. J. M. Kadans, Ph. D., Encyclopedia of Fruits, Vegetables, Nuts and Seeds for Healthful Living (1973).

3. J. M. Kadans, N. D., Ph. D., Modern Encyclopedia of Herbs with the Herbs-o-Matic Locator Index (1970).

4. According to petitioner, at some point in time he couldn't state with clarity, a successor institution, provisionally accredited in 1972, issued him another diploma without requiring further study.

IN THE SUPREME COURT
OF THE
STATE OF NEVADA

IN THE MATTER OF)
JOSEPH M. KADANS,) No. 8738

ORDER DENYING REHEARING

Rehearing denied.

It is so ORDERED.

FILED MAY 12, 1977

Batjer (signed) , C. J.
Batjer

Mowbray (signed) , J.
Mowbray

Thompson (signed) , J.
Thompson

Gunderson (signed) , J.
Gunderson

cc: Samuel S. Lionel, Esq.
Maurice J. Sullivan, Esq.
Joseph M. Kadans

IN THE SUPREME COURT
OF THE
STATE OF NEVADA

IN THE MATTER OF)
) No. 8738
JOSEPH M. KADANS) FILED JULY 5, 1977

NOTICE OF APPEAL
TO THE
SUPREME COURT OF THE UNITED STATES

1. Notice is hereby given that JOSEPH M. KADANS, Attorney At Law, acting on his own behalf and a member of the Bar of the Supreme Court of the United States, hereby appeals to the Supreme Court of the United States from the Opinion of the Supreme Court of the State of Nevada filed on April 8, 1977 and from the Order denying a rehearing filed on May 12, 1977.

2. The appeal is taken under the United States Code, Sec. 1257(2), there being drawn into question the validity of statutes of the State of Nevada considered to be repugnant to the Constitution and laws of the United States, the decision of the Supreme Court of the State of Nevada being in favor of the validity of the Nevada statutes.

(signed)
Joseph M. Kadans
Attorney At Law -
in pro per
3419 Thom Blvd.
Las Vegas, Nevada 89106

CERTIFICATE OF SERVICE

Copy of this Notice of Appeal mailed on July 1, 1977 to Samuel S. Lionel, Chairman, Board of Bar Examiners, Valley Bank Bldg., Las Vegas, Nevada 89101.

(signed)
Joseph M. Kadans
Member of the Bar of the U. S. Supreme Court

IN THE SUPREME COURT
OF THE
STATE OF NEVADA

IN THE MATTER OF)
) No. 8738
JOSEPH M. KADANS)

FILED JULY 14, 1977

REQUEST FOR CERTIFICATION OF RECORD

TO THE CLERK, SUPREME COURT,
STATE OF NEVADA:

In accordance with Rule 12(1) and (2) of the Supreme Court Rules (of the United States), this is a request by Appellant to certify the record and to provide for its transmission to the Clerk of the United States Supreme Court.

Appellant requests that all records considered by the Supreme Court of the State of Nevada in the rendering of its Opinion of April 8, 1977 as well as the Order Denying Rehearing of May 12, 1977 be certified and transmitted to the United States Supreme Court.

Joseph M. Kadans
Appellant - in pro per
3419 Thom Blvd.
Las Vegas, Nevada
89106

CERTIFICATE OF SERVICE

Copy of this request for certification and transmission of record mailed on July 11, 1977 to Samuel S. Lionel, Valley Bank Bldg., Las Vegas, Nev. 89101 with proper postage affixed.

Joseph M. Kadans
Member of the Bar of the U. S. Supreme Court

SUPREME COURT OF NEVADA
E. M. Gunderson, Chief Justice
Carson City, Nevada

April 1, 1976

Joseph M. Kadans
3519 Thom Boulevard
Las Vegas, Nevada 89106

Dear Mr. Kadans: Re: Supreme Court Rule 51(4)

Thank you for your letter of March 9, 1976. I am this date forwarding a copy thereof, and of enclosures that accompanied it, to Samuel S. Lionel, Esq. Chairman of the Board of Bar Examiners.

If you hereafter prepare and file a petition with this Court requesting waiver of S. C. R. 51(4), it is my intent to ask this Court to refer such petition to the Board of Bar Examiners for a full inquiry and report regarding your personal and academic background, and for the Board's recommendation on whether S. C. R. 51(4) operates unfairly in your case. If the Board's report and recommendation prove adverse to you, it is my expectation, based on discussion with other members of the Court, to afford an opportunity for argument to this Court regarding disputed legal and evidentiary matters, and regarding the Board's ultimate recommendation.

I expect to request the Board of Bar Examiners to go forward with the requested inquiry, with all deliberate speed. However, if the Board cannot finally conclude its inquiry prior to the 1976 Bar Examination in July, you should not anticipate that this Court will require the Board to administer a written examination to you before concluding its background inquiry, in the event the Board does not choose to do so. Therefore, this Court does not suggest that you request the United States Supreme Court to dismiss your current application to that court. Regarding such application, please govern yourself as you consider to be in your best interests.

Very truly yours,
(signed)
E. M. Gunderson

EMG:jb
cc:Samuel S. Lionel, Esq.
All Justices, William Richards, Esq.

IN THE SUPREME COURT
OF THE
STATE OF NEVADA

In the Matter of)
PETER HAWKE BURLEIGH) No. 6874
to take the Nevada Bar)
Examination.)

ORDER ADMITTING PETITIONER
TO STATE BAR OF NEVADA

The petitioner, PETER HAWKE BURLEIGH, having heretofore petitioned this court to admit him to the practice of law in the State of Nevada; the Board of Bar Examiners having on September 25, 1972, advised the court that petitioner received a passing grade on the written examination held by saidBoard on July 26, 27, and 28, 1972; said Board of Bar Examiners through its chairman, Samuel S. Lionel, having advised the court on October 12, 1972, that the Board has now completed its investigation into petitioner's character and qualifications, and now has no objection to petitioner's admission as aforesaid; and it appearing to the court that petitioner is qualified to practice law and to perform the obligations and duties of a member of the State Bar of Nevada; it is by the court:

ORDERED, that petitioner, PETER HAWKE BURLEIGH, be, and he hereby is admitted to the practice of law, as a member of the State Bar of Nevada, with all privileges relating thereto, upon taking the Oath of Office and paying such fees as are required by law relative to such admission.

DATED and DONE this 13day of October, 1972.

Zen off (signed)

Batjer (signed)

Mowbray (signed)

Thompson (signed)

Gunderson (signed)

cc-Counsel of record.
Robert Herz, Executive Secretary,
State Bar of Nevada.

LOYOLA LAW SCHOOL
Office of the Registrar

July 20, 1977

Joseph M. Kadans
Dean
Institute of Advanced Law Study
3519 Thom Boulevard
Las Vegas, Nevada 89106

Dear Dean Kadans:

Enclosed please find the information you had requested from Loyola Law School.

The enrollment for your summer school course in 1969 was 27 students.

Best wishes in your future endeavors!

Respectfully,
(signed)
Ronald M. Slominski
Registrar
1440 West Ninth Street, Los Angeles, Cal. 90015
Telephone (213) 642-2905.

Admiralty
Sources and history; jurisdiction; carriage of goods by sea; charter parties; injury and death claims of seamen and other maritime workers; collision; salvage; limitation of liability.
Mr. Garbesi, Mr. Kadans
(From page 32 of law school catalog)

JOSEPH M. KADANS.. Lecturer in Law
B.A., Great Lakes College, 1958; LL. B. University of Baltimore, 1943; U. S. Interstate Commerce Commission, 1940-44; General law practice, 1945; Professor of Business Law, Great Lakes College, 1948-50; Professor of Law, Eastern College of Commerce and Law, 1958-60; Loyola University, 1969 - . (From page 10 of law school catalog.)

SUPREME COURT OF NEVADA
E. M. Gunderson, Chief Judge
Carson City, Nevada 89701

January 28, 1975

Samuel S. Lionel, Esq.
Lionel, Sawyer, Collins and Wartman
First National Bank Building
Third and Carson Streets
Las Vegas, Nevada 89101

Dear Mr. Lionel: Re: Joseph M. Kadans

I enclose herewith a letter from Joseph M. Kadans, dated January 28, 1975, together with material submitted with said letter to-wit: a list of "admiralty law lectures" which Mr. Kadans contemplated delivering, as Dean of the Institute of Advanced Law Study, and a personal resume.

You will notice that Mr. Kadans requests modification of SCR 72(5), which now relates to the members of the faculty and the dean of the National College of State Trial Judges. Mr. Kadans suggests that it would be appropriate to modify that rule to include "the Dean of the Institute of Advanced Law Study."

In your capacity as chairman of the Board of Bar Examiners, we should appreciate having you ascertain whether members of your Board, or the Board of Governors, deem this to be an appropriate request.

Very truly yours,

(signed)
E. M. Gunderson

EMG:jb
Enclosures (3)

cc-Joseph M. Kadans

BEST COPY AVAILABLE